

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Criminal Case No. 16-20432

Dawn K. Bentley,

Sean F. Cox
United States District Court Judge

Defendant.

ORDER DENYING
MOTION FOR JUDGMENT OF ACQUITTAL

This matter is currently before the Court on Defendant Dawn K. Bentley's oral Motion for Judgment of Acquittal pursuant to Rule 29.

In considering a motion for judgment of acquittal under FED. R. CRIM. P. 29, this Court must determine whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could find the elements of the crime beyond a reasonable doubt. *United States v. Abner*, 35 F.3d 251, 253 (6th Cir. 1994); *United States v. Meyer*, 359 F.3d 820, 826 (6th Cir. 1979). In doing so, the Court does not weight the evidence, consider the credibility of witnesses, or substitute its judgment for that of the jury. *Id.*

The Sixth Circuit has explained that a defendant claiming insufficiency of the evidence "bears a very heavy burden." *Abner*, 35 F.3d at 253. On review, all evidence must be construed in a manner most favorable to the Government. Moreover, circumstantial evidence alone is sufficient to sustain a conviction. *Id.*

Having considered Defendant's motion, and viewing all of the evidence presented at trial in the light most favorable to the prosecution, the Court concludes that a rational trier of fact

could find the essential elements of each of the crimes charged beyond a reasonable doubt.

Accordingly, **IT IS ORDERED** that Defendant's Motion for Judgment of Acquittal is **DENIED**.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: January 18, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 18, 2017, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager